

and John Hosselback, of Frederick county, and Richard Beall, of Montgomery county, or a majority of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expense of the petitioners, or other persons interested therein, a road not exceeding thirty feet in width, in the best and straightest direction, taking all circumstances into consideration, from a point near the widow Reid's on the road leading from Frederick-town to Noland's ferry, pursuing the bed of the old road, unless the public interest require a departure from it, according to a right reserved in a deed of John Chisholm to Thomas Noland, dated the nineteenth of March seventeen hundred and seventy-eight, to cross the Monocacy at Johnson's furnace, thence to a stone or gate the corner of Johnson Davis and Jones' lands, thence with a straight line on the ridge between Davis and Jones, to intersect the road leading from the mouth of Monocacy to Baltimore at the mouth of the west end of Abraham Jones's land; and the said commissioners shall make out a plot of that part of the road through Frederick county, and return the same to the clerk of the county court, to be recorded among the records of said county, they shall also make out a plot of that part of the road through Montgomery county, and return the same to the clerk of Montgomery county court, to be recorded among the records of said county; and the road, when so opened at the expense of the petitioners, or others interested, and the valuation hereinafter directed to be made shall be paid or secured to be paid, to the individuals concerned, shall be thereafter deemed to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said counties.

2. AND BE IT ENACTED, That in case of death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, the remaining commissioners, or a majority of them, shall and they are hereby authorised and directed to fill up such vacancy or vacancies.

Vacancies, how to be supplied.

3. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value if required, what damages may be sustained by any person or persons over whose land the said road may pass, by opening the same, and the valuation shall be made before the said commissioners, or a majority of them, shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders who do not hold lands through which the said road may pass, to appear on a day by the said justices to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made; and the said freeholders, having first made oath before said justice of the peace, that they will without favour, affection or partiality, assess the damages sustained by the person or persons at whose re-

Damages to be ascertained.

Provisos